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Date July 20, 2004

To Examiner Ryan J. Hesseltine

Of PTO Group Art Unit 2623

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From Frank L. Bernstein, Reg. No. 31,484

Subject Response Under 37 C.F.R. § 1.116

Our Ref CA1055 Appln No 09/556,349

Conf No 7865 Inventors Yihong GONG, et al.

Pages 4 (including cover sheet)

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In re application of

Docket No: CA1055

Yihong GONG, et al.

Appln. No.: 09/556,349

Group Art Unit: 2623

Confirmation No.: 7865

Examiner: Ryan J. Hesseltine

Filed: April 24, 2000

For: METHOD AND SYSTEM FOR SEGMENTATION, CLASSIFICATION, AND SUMMARIZATION OF VIDEO IMAGES

PAPER ENTITLED: 1) Response Under 37 C.F.R. § 1.116

3 pages

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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 2623
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

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MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants present the following in response to the Office Action of July 1, 2004, within the three-month shortened statutory period that the Examiner set for response.

In this Office Action, the Examiner has withdrawn the rejection under 35 U.S.C. § 112, second paragraph, but has maintained all of the previous prior art rejections. Applicants respectfully traverse these rejections, and request reconsideration and allowance of the claims in view of the following arguments.

Applicants wish to focus here on two points that the Examiner has made. First, in paragraph 3, bridging pages 2 and 3 of the Office Action, the Examiner has disagreed with Applicants' assertion that the Examiner has taken the Ratakonda steps out of order. In the first

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instance, the use of the transitional term “comprising” is irrelevant to this discussion. Applicants do not dispute that there may be additional steps in a prior art reference that would come between two recited steps in a claimed invention. That is not the point here. The point is that the Examiner has reversed the sequence that is mandated by the claims, as ratified in the specification, and then read that reversed sequence on Ratakonda. Applicants maintain that the Examiner’s approach is improper.

Independent claims 1 and 31 recite the selection of a frame cluster in an input video sequence. The claims then recite computing a content value in said selected frame cluster. The plain meaning of the words of the claim indicate that the frame cluster has to be selected before a content value can be computed in it. For the Examiner to construe the claims otherwise is to take the terms outside of their ordinary accustomed meaning, and to construe them in a manner that is inconsistent with what Applicants describe in the specification. Both of these approaches are improper, and for this reason, Applicants continue to submit that independent claims 1 and 31 are patentable over Ratakonda.

Second, with respect to claimed step (c), which the Examiner discusses in paragraph 4 on page 3 of the Office Action, Applicants maintain that the Examiner is taking disjointed portions out of Ratakonda and attempting to read step (c) on them. Column 7 discusses the computation of a cumulative action measure. The discussion at columns 9 and 10 have nothing to do with a computed cumulative action measure. The Examiner’s reference to clustering of key frames based on similarity, and selected within subsequent clusters according to the “largest difference from the previous key frame criterion” is inconsistent with and unrelated to column 7. While the Examiner is correct that the difference referenced in this quote is expressed in terms of the action measure, Applicants submit that this still bears no relation to step (c). The action measure

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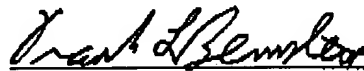
discussed in claim 10 is not clearly related to the action measure in claim 7. Applicants submit that the Examiner's inference otherwise is hindsight.

Finally, Applicants flatly disagree with the Examiner's assertion in paragraph 6. Applicants do not agree that Uchihachi or Castelli remedies any of the deficiencies of Ratakonda. Applicants respectfully direct the Examiner's attention to the assertion on page 13 of the last Response, in which Applicants argued that claims 1 and 31, and hence their respective dependencies 2-16 and 32-46, spanning the claims the Examiner rejected based on a Ratakonda/Uchihachi or Ratakonda/Castelli combination, are patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: July 20, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this RESPONSE UNDER 37 C.F.R. § 1.116 is being facsimile transmitted to the U.S. Patent and Trademark Office this 20th day of July, 2004.



Mariann Tam